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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,584	03/29/2001	James F. Riordan	CH92000010US1	3499

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,584

Applicant(s)

RIORDAN ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2137

DETAILED ACTION

1. Claims 1-29 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on 15 December 2000. It is noted, however, that applicant has not filed a certified copy of the 00106812.1 application as required by 35 U.S.C. 119(b).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the system and method of claims 4, 6, 8, 11, 20, 22, 24-26 must be shown with both features and both of the two features individually when containing "and/or" in the claim therefore these features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be

Art Unit: 2137

labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The system and method of claims 4, 6, 8, 11, 20, 22, 24-26 must be described in the specification with both features and both of the two features individually when containing "and/or" in the claim.

Art Unit: 2137

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 9, 16, 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claims 2, 9, 16, 19, the phrase "like" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 5-7, 10, 12-14, 17, 18, 21, 23-24, 26, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wollrath et al ("Simple Activation for Distributed Objects").

As per claim 1, Wollrath discloses means for providing activation tokens to be transmitted to at least one customer with a second subsystem for receiving said activation tokens

Art Unit: 2137

(see page 6 right column through page 7 left column where the activation token is the external object reference as described in the right column of page 8), said means for providing activation tokens including means for providing activation information and means for naming of system characteristics in machine readable and filterable manner (see right column of page 8), wherein the relevance of said activation information to said second subsystem can be determined by checking whether said second subsystem has characteristics corresponding to said naming of said activation token (see page 7 #2 where it is inherent that the activator must check the address to make sure it sends the token to the correct system).

As per claims 3 and 21, Wollrath discloses a customer system and method with a second subsystem for receiving said activation tokens provided by a service provider (see page 6 right column through page 7 left column where the activation token is the external object reference as described in the right column of page 8), said activation tokens including activation information and means for naming of system characteristics in machine readable and filterable manner (see right column of page 8), and second subsystem comprises receiving means for controlling said receiving of said activation tokens (see page 7 #2), checking means for automatically determining whether said

Art Unit: 2137

activation information is relevant for said second subsystem by checking whether said second subsystem has characteristics corresponding to said naming of an activation token, and transforming means for transforming relevant activation information into at least one activation measure for said second subsystem (see page 7 #2-4 where it is inherent that the activator must check the system characteristics to make sure the request is sent to the correct subsystem).

As per claims 5 and 23, Wollrath discloses the system of method comprising transforming means include at least one set of filter parameters to enable transforming of said relevant activation information into at least one acceptable activation measure (see page 12 right column to page 13 left column where the filter is whether the object is "managed" or not).

As per claims 6 and 24, Wollrath discloses the system and method where the second subsystem includes implementation means for implementing at least one activation measure (see page 7 #2-4).

As per claims 7 and 24, Wollrath discloses the system and method where the implementation means include at least one reporting means for reporting implemented activation measures (see page 7 #5).

Art Unit: 2137

As per claim 10, Wollrath discloses a service provider with a first subsystem for providing activation tokens and at least one customer with a second subsystem for receiving said activation tokens (see page 6 right column through page 7 left column where the activation token is the external object reference as described in the right column of page 8), said activation tokens including activation information and naming of system characteristics in machine readable and filterable manner (see right column of page 8), wherein said second subsystem comprises receiving means for controlling said receiving of said activation tokens (see page 7 #2), checking means for automatically determining whether said activation information is relevant for said second subsystem by checking whether said second subsystem has characteristics corresponding to said naming of an activation token, and transforming means for transforming relevant activation information into at least one activation measure for said second subsystem (see page 7 #2-4 where it is inherent that the activator must check the system characteristics to make sure the request is sent to the correct subsystem).

As per claim 12, Wollrath discloses the transforming means include at least one set of filter parameters to enable transforming of said relevant activation information into at

Art Unit: 2137

least one acceptable activation measure (see page 12 right column to page 13 left column where the filter is whether the object is "managed" or not).

As per claim 13, Wollrath discloses the second subsystem includes implementation means for implementing at least one activation measure (see page 7 #2-4).

As per claim 14, Wollrath discloses the implementation means include at least one reporting means for reporting implemented activation measures (see page 7 #5).

As per claims 17 and 26, Wollrath discloses the system and method is reducing the vulnerability of said second subsystem by automatically implementing activation measures at said second subsystem (see page 7 #2-4).

As per claim 18, Wollrath discloses a method for providing activation information by a service provider with a first subsystem to a customer with a second subsystem comprising the step of: providing activation tokens by said service provider, wherein said activation tokens include readable activation information and naming of corresponding system characteristics in machine readable and filterable manner (see right column of page 8).

As per claim 26, Wollrath discloses the method is reducing the vulnerability of said second subsystem by automatically

Art Unit: 2137

implementing activation measures at said second subsystem (see page 7 #2-4).

As per claims 28-29, Wollrath discloses the computer program code of the method (see page 13 right column).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4, 11, 19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath as applied to claims 1, 10, 18 above, and further in view of Tardo et al (U.S. 6,557,105).

As per claims 2 and 19, Wollrath fails to disclose means for providing activation tokens include cryptographic means for encrypting the activation tokens and signing means for producing a verification information like a signature, to be verified by said second subsystem of said customer.

However Tardo et al discloses encrypting and signing a token (see column 5 line 58-67).

Art Unit: 2137

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Tardo et al's method of encrypting and signing a token for Wollrath's activation token.

Motivation to do so would have been to verify the authenticity or validity of the token (see Tardo et al column 5 lines 17-25).

As per claims 4, 11, 22, the modified Wollrath and Tardo et al system teaches receiving means include cryptographic means for verifying said service provided as being the provider of said activation token (see Tardo et al column 6 lines 1-6).

11. Claims 8, 15, 20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath as applied to claim 3, 10, 18 and 21 above, and further in view of Teng et al (U.S. 6,094,679).

As per claims 8, 15, 20, 25 Wollrath fails to disclose checking the version, platform and/or a configuration corresponding to the naming of the activation token.

However, Teng et al discloses checking the version, platform, and configuration of a network client when activating a process (see column 7 line 52 through column 8 line 12).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Teng et al's system

Art Unit: 2137

of checking the version, platform, and configuration in the system of Wollrath.

Motivation to do so would have been make sure the process being activated is compatible with the client (see Teng et al column 4 lines 5-10).

12. Claims 9, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath as applied to claims 3 and 10 above, and further in view of Tschudin ("Apoptosis-the Programmed Death of Distributed Services").

As per claims 9 and 16 Wollrath discloses the use of a daemon (see page 7 #2).

Wollrath fails to disclose the checking means and transforming means of said second subsystem are part of an apoptosis system.

However Tschudin discloses the use of an apoptosis system (see pages 256-257)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to the apoptosis system of Tschudin in the system of Wollrath.

Motivation to do so would have been to all for the "programmed death" of a service (see page 254).

Art Unit: 2137

As per claim 27, the modified Wollrath and Tschudin system discloses the ability to shutdown a service at the second subsystem (see Tschudin page 254).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

Andrew Caldwell
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